

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KATHRYN MARIE SEIDLER,

Plaintiff,

v.

AMAZON,

Defendant.

CASE NO. C23-0816JLR

ORDER

Before the court is *pro se* Plaintiff Kathryn Marie Seidler’s “declaration of plaintiff in support of Rule 6(b) extension; or further directions,” which the court construes as a motion for relief from the deadline to respond to Defendant Amazon Services, LLC’s (“Amazon”) motion to dismiss Ms. Seidler’s amended complaint. (Mot. (Dkt. # 18); *see also* MTD (Dkt. # 16).) Ms. Seidler seeks an extension of time to file her response under Federal Rule of Civil Procedure 6(b) due to technical issues with PACER that allegedly impeded her access to the exhibits attached to Amazon’s motion to dismiss. (Mot. at 2; *id.*, Ex. 5 at 2.) Ms. Seidler also seeks an extension because she claims she

1 “could not fully amend the Federal Court claim until the Date of Manifestation was set by
2 the Board of Industrial Relations” in a separate administrative proceeding. (Mot. at 2.)
3 Amazon filed objections in opposition to Ms. Seidler’s motion. (Objections (Dkt. # 19).)
4 The court exercises its discretion under Federal Rule of Civil Procedure 1 to decide the
5 motion before the noting date. *See* Fed. R. Civ. P. 1 (stating that the Federal Rules of
6 Civil Procedure should be construed “to secure the just, speedy, and inexpensive
7 resolution of every action and proceeding”). The court has considered the parties’
8 submissions, the relevant portions of the record, and the applicable law. Being fully
9 advised, the court GRANTS Ms. Seidler’s motion.

10 Federal Rule of Civil Procedure 6(b)(1) authorizes the court to grant an extension
11 of time upon a showing of “good cause.” Fed. R. Civ. P. 6(b)(1). Here, Amazon filed its
12 motion to dismiss on November 15, 2023 (*see generally* MTD), and Ms. Seidler—who is
13 registered for electronic filing and service through the CM/ECF system—alleges she “did
14 not receive” the exhibits attached to that motion until November 29, 2023 (Mot. at 2).
15 Although the court is aware of a brief interruption to PACER and CM/ECF access that
16 occurred on November 17, 2023, that technical issue was resolved within the day. Ms.
17 Seidler provides no explanation for why she was unable to download the exhibits in the
18 two days preceding the PACER outage or during the substantial period of time that
19 passed between the outage and November 29, 2023, when Ms. Seidler claims to have
20 received the exhibits. Moreover, because the court has not granted Ms. Seidler leave to
21 further amend her complaint, Ms. Seidler’s stated desire to amend her complaint based on
22 developments in a separate administrative proceeding does not justify a delay in timely

1 responding to Amazon's motion to dismiss. Ms. Seidler has not demonstrated good
2 cause for an extension of time.

3 Nevertheless, Federal Rule of Civil Procedure 6(b)(1) must "be liberally construed
4 to effectuate the general purpose of seeing that cases are tried on the merits." *Ahanchian*
5 *v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010) (quoting *Rodgers v. Watt*,
6 722 F.2d 456, 459 (9th Cir. 1983)). "[R]equests for extensions of time made before the
7 applicable deadline has passed should 'normally . . . be granted in the absence of bad
8 faith on the part of the party seeking relief or prejudice to the adverse party.'" *Id.*
9 (quoting 4B Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* §
10 1165 (3d ed. 2004)). Amazon makes no argument that Ms. Seidler has acted in bad faith
11 or that Amazon will be prejudiced by an extension of the briefing schedule. (*See*
12 *Objections.*) The court is also mindful of Ms. Seidler's *pro se* status. Accordingly, and
13 due to the timing of this order on the eve of Ms. Seidler's deadline to respond, the court
14 concludes a modest extension of time is warranted.

15 For the foregoing reasons, the court GRANTS Ms. Seidler's motion for relief from
16 a deadline (Dkt. # 16). Ms. Seidler must file her opposition to Amazon's motion to
17 dismiss, if any, by no later than **Wednesday, December 6, 2023**. Amazon shall file its
18 reply, if any, by no later than **Tuesday, December 12, 2023**. The court DIRECTS the
19 Clerk to re-note Amazon's motion to dismiss (Dkt. # 16) for **December 12, 2023**.

20 Dated this 1st day of December, 2023.

21 
22 JAMES L. ROBART
United States District Judge